



**Small Firm Owner's Guide to CT Paid Leave
(ELE220309)**

**Wednesday, March 9, 2022
12:00 p.m. to 1:00 p.m.**

Webinar

CT Bar Institute, Inc.

CT: 1.0 CLE Credit (General)
NY: 1.0 CLE Credit (AOP)

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LAWYERS' PRINCIPLES OF PROFESSIONALISM

As a lawyer, I have dedicated myself to making our system of justice work fairly and efficiently for all. I am an officer of this Court and recognize the obligation I have to advance the rule of law and preserve and foster the integrity of the legal system. To this end, I commit myself not only to observe the Connecticut Rules of Professional Conduct, but also conduct myself in accordance with the following Principles of Professionalism when dealing with my clients, opposing parties, fellow counsel, self-represented parties, the Courts, and the general public.

Civility:

Civility and courtesy are the hallmarks of professionalism. As such,

- I will be courteous, polite, respectful, and civil, both in oral and in written communications;
- I will refrain from using litigation or any other legal procedure to harass an opposing party;
- I will not impute improper motives to my adversary unless clearly justified by the facts and essential to resolution of the issue;
- I will treat the representation of a client as the client's transaction or dispute and not as a dispute with my adversary;
- I will respond to all communications timely and respectfully and allow my adversary a reasonable time to respond;
- I will avoid making groundless objections in the discovery process and work cooperatively to resolve those that are asserted with merit;
- I will agree to reasonable requests for extensions of time and for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
- I will try to consult with my adversary before scheduling depositions, meetings, or hearings, and I will cooperate with her when schedule changes are requested;
- When scheduled meetings, hearings, or depositions have to be canceled, I will notify my adversary and, if appropriate, the Court (or other tribunal) as early as possible and enlist their involvement in rescheduling; and
- I will not serve motions and pleadings at such time or in such manner as will unfairly limit the other party's opportunity to respond.

Honesty:

Honesty and truthfulness are critical to the integrity of the legal profession – they are core values that must be observed at all times and they go hand in hand with my fiduciary duty. As such,

- I will not knowingly make untrue statements of fact or of law to my client, adversary or the Court;
- I will honor my word;
- I will not maintain or assist in maintaining any cause of action or advancing any position that is false or unlawful;

- I will withdraw voluntarily claims, defenses, or arguments when it becomes apparent that they do not have merit or are superfluous;
- I will not file frivolous motions or advance frivolous positions;
- When engaged in a transaction, I will make sure all involved are aware of changes I make to documents and not conceal changes.

Competency:

Having the necessary ability, knowledge, and skill to effectively advise and advocate for a client's interests is critical to the lawyer's function in their community. As such,

- I will keep myself current in the areas in which I practice, and, will associate with, or refer my client to, counsel knowledgeable in another field of practice when necessary;
- I will maintain proficiency in those technological advances that are necessary for me to competently represent my clients.
- I will seek mentoring and guidance throughout my career in order to ensure that I act with diligence and competency.

Responsibility:

I recognize that my client's interests and the administration of justice in general are best served when I work responsibly, effectively, and cooperatively with those with whom I interact. As such,

- Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court (or other tribunal) and my adversary of any likely problem;
- I will make every effort to agree with my adversary, as early as possible, on a voluntary exchange of information and on a plan for discovery;
- I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;
- I will be punctual in attending Court hearings, conferences, meetings, and depositions;
- I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests;
- In civil matters, I will stipulate to facts as to which there is no genuine dispute;
- I will refrain from causing unreasonable delays;
- Where consistent with my client's interests, I will communicate with my adversary in an effort to avoid needless controversial litigation and to resolve litigation that has actually commenced;
- While I must consider my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.

Mentoring:

I owe a duty to the legal profession to counsel less experienced lawyers on the practice of the law and these Principles, and to seek mentoring myself. As such:

- I will exemplify through my behavior and teach through my words the importance of collegiality and ethical and civil behavior;
- I will emphasize the importance of providing clients with a high standard of representation through competency and the exercise of sound judgment;
- I will stress the role of our profession as a public service, to building and fostering the rule of law;
- I will welcome requests for guidance and advice.

Honor:

I recognize the honor of the legal profession and will always act in a manner consistent with the respect, courtesy, and weight that it deserves. As such,

- I will be guided by what is best for my client and the interests of justice, not what advances my own financial interests;
- I will be a vigorous and zealous advocate on behalf of my client, but I recognize that, as an officer of the Court, excessive zeal may be detrimental to the interests of a properly functioning system of justice;
- I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;
- I will, as a member of a self-regulating profession, report violations of the Rules of Professional Conduct as required by those rules;
- I will protect the image of the legal profession in my daily activities and in the ways I communicate with the public;
- I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance; and
- I will support and advocate for fair and equal treatment under the law for all persons, regardless of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, gender identity, gender expression or marital status, sexual orientation, or creed and will always conduct myself in such a way as to promote equality and justice for all.

Nothing in these Principles shall supersede, supplement, or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which a lawyer's conduct might be judged, or become a basis for the imposition of any civil, criminal, or professional liability.

Faculty Biography

Erin O'Brien Choquette

Erin O'Brien Choquette, General Counsel, CT Paid Leave Authority. Prior to joining the Paid Leave Authority, Attorney O'Brien Choquette worked at the Department of Administrative Services for 14 years, directing the agency's legislative and general legal functions. Attorney O'Brien Choquette is a trusted advisor to seven Commissioners of the Department of Administrative Services. She has over 20 years of experience in handling discrimination claims before the Connecticut Commission on Human Rights and Opportunities (CHRO) and the state and federal courts as well as other employment-related causes of action, such as wrongful discharge, breach of non-solicitation agreements, and defamation.

Attorney O'Brien Choquette co-authored the Family and Medical Leave Entitlements Manual, an extensive and detailed guide to understanding and administering federal and state family and medical leave laws. She is a frequent presenter of management training and sexual harassment prevention workshops. She is recognized for her expertise in employment-related issues in State of Connecticut governmental agencies.

Small Firm Owner's Guide to CT Paid Leave




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Bar Association*®



Connecticut
Paid Leave



About your presenter

Erin O'Brien Choquette
General Counsel
CT Paid Leave Authority



- *Prior to joining the Paid Leave Authority, worked at the Department of Administrative Services for 14 years, directing the agency's legislative and general legal functions.*
- *Trusted advisor to seven Commissioners of the Department of Administrative Services*
- *Over 20 years' experience in handling discrimination claims before the Connecticut Commission on Human Rights and Opportunities (CHRO) and the state and federal courts as well as other employment-related causes of action, such as wrongful discharge, breach of non-solicitation agreements, and defamation.*
- *Co-authored the Family and Medical Leave Entitlements Manual, an extensive and detailed guide to understanding and administering federal and state family and medical leave laws.*
- *Frequent presenter of management training and sexual harassment prevention workshops.*
- *Recognized expert in employment-related issues in State of Connecticut governmental agencies*
- *College of the Holy Cross – B.A. in cursu honoris cum laude*
- *Columbia Law School – Harlan Fiske Stone Scholar*

AGENDA

- About the CT Paid Leave Authority
- What Is FMLA? What Is CTPL?
- What Are the Qualifying Reasons for Leave?
- What Do I Need to Know about CTPL?
- Implementing CTPL
- What Do I Need to Know about FMLA?
- Implementing FMLA
- Additional Resources
- Questions?

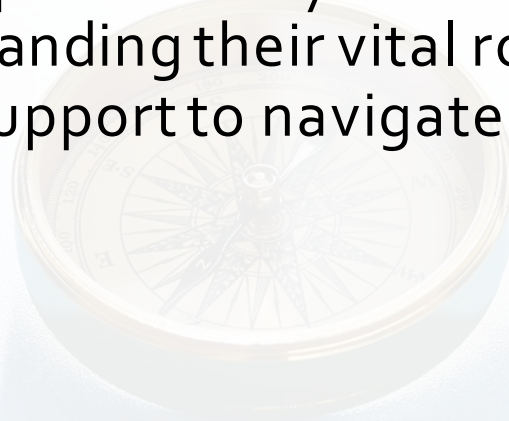


About the CT Paid Leave Authority

About the CT Paid Leave Authority

Our mission is

- to provide pathways to accessible paid family & medical leave benefits; and
- to empower employers, administrators and healthcare providers by offering helpful tools for understanding their vital roles and providing support to navigate our program.



Key Dates

January 1, 2021

Employers began deducting contributions from worker wages

(1/2 of one percent)

Employee Contributions due each quarter
(with a 30-day grace period)

January 1, 2022

CT PL Benefits became available

April 30, 2022

July 31, 2022

October 31, 2022

January 31, 2023





What Is FMLA? What Is CTPL?

What is FMLA?


FMLA provides job-protected leave for certain qualifying family and health conditions

- FMLA stands for Family and Medical Leave Act
 - There is a **federal FMLA & a CT FMLA**. Both have been around since the 1990's.
 - Both laws allow eligible employees to take **job-protected time away from work** for certain family and medical reasons.
 - **Leave taken under FMLA is unpaid**. Employers may adopt policies to provide for income replacement during the leave, but they are not required to.
 - Some employers provide paid leave to their employees (example: continuing to pay employees their regular pay while they are out on parental leave)
 - Many employers require or permit employees to use their earned accruals (sick leave, vacation leave, other PTO) while they are out on leave
- The CT FMLA changed significantly on January 1, 2022

What is CTPL?

CTPL provides income-replacement during certain qualifying family and health leaves

- CTPL stands for CT Paid Leave
- The CT Paid Leave Act is a Connecticut law that:
 - Creates a **source of income-replacement benefits** for eligible employees who cannot work for the same reasons as FMLA
 - It **does not provide job-protected leave.**
- Also referred to as PFML or Paid Family & Medical Leave

A decorative background featuring a stylized, repeating pattern of leaves and branches in various shades of blue, set against a solid dark blue background.

**What Are the Qualifying Reasons
for job protection under FMLA and/or
income replacement under CTPL?**

Qualifying Reasons to Apply for Leave/Receive Benefits



MEDICAL LEAVE

Medical leave is leave taken by a worker to receive treatment for or recover from their own serious health condition.

This includes serving as an organ or bone marrow donor and pregnancy.



BONDING LEAVE

Bonding leave is taken by a worker not only for the time physically spent with the newborn or newly placed child, but also the time needed to process adoption or foster care placement if applicable.

- Mothers and fathers may take bonding leave
- Bonding leave may be taken anytime during the 12 months after the birth/placement
- Applies to birth, adoption or foster care



CAREGIVER LEAVE

Caregiver leave is taken by a worker to provide physical or psychological care or reassurance for a family member experiencing a serious health condition.

Qualifying Reasons to Apply for Leave/Receive Benefits



MILITARY CAREGIVER LEAVE

Military Caregiver leave is taken by a worker to care for a covered family member who is a member of the military who and has experienced a serious injury or illness that occurred in the line of duty on active duty in the Armed Forces.

QUALIFYING EXIGENCY LEAVE

Qualifying exigency leave is taken by a worker to engage in certain activities arising from a spouse, child or parent is on federal active duty, or has been notified of an impending call or order to covered active duty in the Armed Services.

FAMILY VIOLENCE LEAVE ACT

Family violence leave can be taken by a worker who is a victim of family violence:

- to seek medical/psychological care or counseling for physical or psychological injury or disability;
- to obtain services from a victim services organization;
- to relocate due to such family violence; or
- to participate in any civil or criminal proceeding related to or resulting from such family violence.

(Up to 12 days in a calendar year)

What is a Serious Health Condition?

A person only has a “serious health condition” if they have a condition that meets one or more of the following criteria:



- Due to the condition, the individual is required to have an overnight stay in a hospital, hospice or residential medical care facility



- incapacity of more than 3 consecutive full calendar days, plus

- individual seeks treatment from a health care provider within 7 days of the first day of incapacity, and
- Requires continuing treatment (such as prescription medications) under the continuing supervision of the healthcare provider and
- requires the individual to return to the provider for a follow-up visit within 30 days.



- period of incapacity due to a chronic serious health condition

- individual obtains treatment from a health care provider and is seen by the healthcare provider at least twice per year



- permanent or long-term condition causing incapacity for which treatment is no longer effective

- Examples: Alzheimer's disease, terminal stages of cancer)



- restorative surgery after an accident or other injury; or

- requires multiple treatments for a non-chronic condition that would have resulted in a period of incapacity of more than three consecutive full calendar days absent the treatment
- Example: surgery for a broken leg



- Pregnancy

- * up to two extra weeks available in connection with incapacitation during pregnancy:
- Prenatal appointments
- Pregnancy complications
- Other serious health conditions

CT Paid Leave and COVID

Can a worker receive CT Paid Leave benefits if they have been exposed to or diagnosed with COVID?

- Simply being exposed to or diagnosed with **COVID is not considered a serious health condition** under the law.
- The worker may qualify for benefits IF they provide medical documentation establishing that the COVID exposure or diagnosis meets **one or more elements of a serious health condition**, i.e.:
 - requires an overnight stay in a hospital or other medical care facility; or
 - incapacitates the employee or the employee's family member (for example, unable to work or attend school) for more than three consecutive days and requires the sick individual to receive ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care, such as prescription medication) or,
 - results in or exacerbates a chronic condition that causes occasional periods when the employee or the employee's family member is incapacitated, and which requires treatment by a health care provider at least twice a year.



The primary difference between caregiver leave under federal FMLA versus the CT laws is the **definition of family member**

- Under federal FMLA, an employee can take leave to care for a parent, spouse, or child who is under 18 or is over 18 and has a disability
- Under the CT laws, an employee can take leave and receive benefits for:
 - a parent,
 - spouse,
 - son or daughter of any age,
 - sibling,
 - grandparent,
 - grandchild, or
 - an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships

What does “Related by Affinity” mean?

“Any person with whom the worker has a significant personal bond that is like one of the family relationships listed in the statute, regardless of biological or legal relationship.”

- This is situation specific and depends upon the circumstances of the individuals involved.
- Examples of such relationships by affinity include, but are not limited to:
 - An aunt or uncle who relies on the worker for unpaid care and has maintained as strong and enduring a relationship with the worker as typically seen between parents and their children or siblings;
 - An unmarried, significant other of the employee with whom the worker maintains a familial, spouse-like relationship, despite their lack of legal relationship to each other



A decorative background pattern of stylized, overlapping leaves in various shades of blue, filling the upper two-thirds of the slide.

What Do I Need to Know about CTPL ?

Am I a Covered Employer under CTPL?

Who is a covered employer?

- *Almost* all employers who have **one or more** people working in CT
- The State of Connecticut, as to non-union employees

Who is not a covered employer?

- The federal government
- Municipalities, unless their unionized employees collectively bargain to participate
- Local or regional boards of education, unless their unionized employees collectively bargain to participate
- Non-public elementary or secondary schools
- Railroads
- Governments of other states
- Other sovereign nations

Sole Proprietors and Independent Contractors

- **If you pay self-employment taxes, as defined by the IRS, you are not** an employee and you are **not** required to participate in the CT Paid Leave Program
 - You can choose to enroll if you want to do so
 - If you enroll, you must stay enrolled for at least 3 years
 - Your contributions are .5% of your self-employment earnings
- **If you are a sole proprietor who also has employees, you must register with CT Paid Leave and must remit their contributions** (whether or not you choose to enroll for yourself).
- **If you receive a W-2, you are considered an employee** under the law, and you must participate in the CT Paid Leave Program
 - This is true even if you are also the owner or officer of the company

Who Is an Eligible Worker under CTPL?

- Worker earned at least \$2325 in highest earning quarter of the first 4 of the 5 most recently completed quarters (from 1 or more covered employers in CT)

AND

QUARTER 4	QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4	Claim Made Between Jan 1 – Mar 31, 2022
Oct 1 – Dec 31, 2020	Jan 1 – Mar 31, 2021	Apr 1 – June 30, 2021	July 1 – Sept 30, 2021	Oct 1 – Dec 31, 2021	
\$2,000	\$2,325	\$2,300	\$2,200	\$2,000	
X	✓	X	X	X	

- Is currently employed in CT by covered employer, or
- Was employed by a covered employer in the 12 weeks immediately preceding the claim for benefits, or
- Is a sole proprietor/self employed who opted into the CTPL program

The CT Paid Leave Authority – not the employer – makes the eligibility determination

What Benefits Will My Employees Receive?

- Workers earning minimum wage will receive 95% of their wages
- Workers earning above minimum wage have a slightly different benefit calculation but
- Benefits are capped at 6x minimum wage

An eligible worker can receive up to 12 weeks of income replacement benefits in a 12-month period for all leave reasons including military caregiver leave,

Except:

- Only 12 days of the 12 weeks can be used in connection with family violence leave
- An employee may receive an additional two weeks of CTPL benefits for a serious health condition resulting in incapacitation during pregnancy

Benefits Estimator at Ctpaidleave.org

The Process → Prepare to Submit a Claim

What Benefits May I Receive?

You can use the benefit estimator to see how much your weekly benefit might be. To estimate what your income-replacement benefit may be, enter your gross earnings based on the average from the two highest earning quarters across the first 4 of the last 5 completed quarters. If you have more than one employer, you should enter one number for all jobs.

This estimation is applicable to sole proprietors or the self-employed only if they have enrolled into the program.

This tool provides only an ESTIMATE of your potential benefits based on the amount entered and assumes that you would be receiving benefits in connection with a leave of a full week. The actual calculation of benefits will take into account whether your leave is for a full week or for a shorter amount of time as well as any paid time off that you will receive from your employer or other state or federal wage replacement programs.

\$494.00

Benefit estimation shows here.

Benefits Estimator

Select Pay Period Frequency: Weekly

Please enter your gross earnings: \$520.00

Estimate Refresh

Enter pay period frequency (weekly, quarterly, annual) and gross earnings. Click Estimate.

Employer leave policies and PTO (including short-term disability)	Worker has no PTO to use for FMLA*	Worker has enough PTO to cover the entire leave*	Worker has PTO to cover part of their leave*	PTO pays less than Worker's regular Pay*
	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Employer can permit or require employees to use PTO to cover leaves, BUT	If worker has no PTO (or is not required to use existing PTO), then	If the worker has available PTO <i>equal in pay to the worker's regular pay to cover the leave that they are required or choose to use</i> , then	If the worker has available PTO <i>equal to their regular pay that covers part of their time out on leave that they are required or choose to use</i> , then	If the worker has PTO that is <i>less than worker's regular pay that they are required or choose to use</i> ;
<p>For CT FMLA (as of 1/1/2022,)</p> <p>Employers must permit employees to keep two weeks of PTO to be used for other purposes</p>	Worker receives the full amount of CTPL benefit for the full period of the leave.	<ul style="list-style-type: none"> The worker is fully compensated by the employer. The employee will not receive CT Paid Leave benefits for this leave. The employee's allotment of CT Paid Leave benefits remains available if they need to take leave at a later date. 	CTPL benefits start after the worker stops receiving the PTO benefits from the employer.	The worker can receive both CT Paid Leave benefits and employer-provided income replacement from the first day of leave, provided that the worker cannot receive more than 100% of their normal wages.

A decorative background pattern of stylized, overlapping leaves in various shades of blue, filling the upper two-thirds of the slide.

Implementing the CT Paid Leave Act

RESPONSIBILITIES: CTPL CONTRIBUTIONS

WORKER

- Contribute .5% of FICA wages up to Social Security contribution limit

EMPLOYER

- Create a CTPL account at www.ctpaidleave.org
- Deduct the .5% of employees' FICA wages up to Social Security contribution limit
- Remit the .5% contribution to CTPL with required backup info

CT PAID LEAVE AUTHORITY

- Receive & reconcile contributions
- Process over/under payments
- Impose penalties for non-compliance

CT DOL

- Determine whether to allow employers to take catch-up contributions
 - Based on general wage & hour authority

RESPONSIBILITIES: CTPL CLAIMS

WORKER

- Submit application in a timely fashion
 - Through www.ctpaidleave.org or
 - By calling Aflac at (877) 499-8606
- Provide supporting documentation
- Update account with absence info & info about other sources of \$\$\$
- Notify employer about CT PL claim and give employer the employment verification form to complete

EMPLOYER

- Complete & submit employment verification
- Notify worker about its PTO policies (including STD policies)
- Refrain from discriminating/retaliating against worker for CT PL claim

CT PAID LEAVE AUTHORITY with Aflac

- Determine eligibility
- Review supporting documents & approve/deny claim as appropriate
- Calculate & pay benefits
- Monitor ongoing claims
- Investigate potential fraud
- Impose penalties as appropriate

CT DOL

- Hear appeals relating to denials of claims and to penalties

The background of the slide is a solid blue color. In the upper half, there is a decorative pattern of stylized, overlapping leaves or branches in a lighter shade of blue. The leaves are simple, rounded shapes with pointed tips, arranged in a flowing, organic manner.

What Do I Need to Know about FMLA ?

Reminder:

**FMLA stands
for
“Family and
Medical Leave
Act”**

- FMLA refers to the laws that provide eligible employees with the right to take *job-protected leave* for certain qualifying family and health reasons
- There is a federal FMLA & a CT FMLA

Am I Covered under FMLA?

Covered under Federal FMLA

- Employers who have 50 or more employees within a 75-mile radius
- Governmental entities of any size, including
 - Federal government
 - State agencies
 - Towns
 - Schools
 - Railroads
 - Governments of other states

Covered under CT FMLA

- *Almost* all employers who have one or more people working in CT
- The State of Connecticut, as to all State employees

Not Covered under CT FMLA

- The federal government
- Municipalities
- Local or regional boards of education
- Non-public elementary or secondary schools
- Railroads
- Governments of other states
- Other sovereign nations

Is My Employee Eligible for Leave Under FMLA?

Federal FMLA

- They have been employed by my company for at least 12 months
- and
- They have worked at least 1,250 hours in the 12 months immediately preceding the leave

CT FMLA

- They have been employed by my company for at least the 3 months immediately preceding the leave
- No hours worked requirement

The Employer makes these eligibility determinations

How Long Is the Job-Protected Leave?

Federal FMLA

Up to 12 weeks of leave in a 12-month period for all FMLA leave reasons

Except: up to 26 weeks of leave in a 12-month period for military caregiver leave

CT FMLA

Up to 12 weeks of leave in a 12-month period for all FMLA leave reasons

EXCEPT:

Up to 26 weeks of leave in a 12-month period for military caregiver leave

&

An employee may receive an additional two weeks of CTPL benefits for a serious health condition resulting in incapacitation during pregnancy

CT Family Violence Leave Act

Up to 12 days in a calendar year

How Did CT FMLA Change?

old CT FMLA	CT FMLA as of 2022
Applies to employers with 75 or more employees	Applies to employers with one or more employees
<p>Employees must have worked at least 12 months for the employer (can be non-consecutive); worked at least 1,000 hours during the 12 months immediately preceding the date of commencement of FMLA leave</p> <p>Job protection after 12 months</p>	<p>No hours worked requirement</p> <p>Job protection after 3 months</p>
<ul style="list-style-type: none"> • 16 weeks of leave in a 24-month period • 26 weeks of leave is available for military caregiver leave 	<ul style="list-style-type: none"> • Up to 12 weeks in a 12-month period for all leave reasons, except: • 26 weeks of leave is available for military caregiver leave • an additional 2 weeks of leave may be available for incapacitation during pregnancy
Employer can require employees to use all accrued time for paid time off	Employer can require employees to use accrued time off but must allow employee to keep up to two weeks of accrued PTO.

A decorative graphic at the top of the slide features a stylized, repeating pattern of leaves and branches in various shades of blue. The leaves are simple, rounded shapes, and the branches are thick, curved lines. The pattern is set against a solid blue background.

Implementing FMLA

RESPONSIBILITIES – FMLA CLAIMS

WORKER

- Notify Employer about need to take time away from work in a timely fashion
- Submit application as necessary
- Provide Employer with supporting documentation
- Comply with Employer attendance & call-in policies

EMPLOYER

- Establish leave policy, including rules about PTO usage
- Post FMLA poster
- Process leave requests
- Monitor leave usage
- Manage worker return to work
- Refrain from discriminating / retaliating against worker for FMLA usage

CT PAID LEAVE AUTHORITY

- *No official responsibilities relating to CT FMLA*
- *Provide info about FMLA as part of CT PL training*

CT DOL

- Promulgate regulations regarding CT FMLA
- Provide guidance to workers and employers about CT FMLA
 - www.ct.gov/DOLUI/newfmlaguidance
- Investigate complaints regarding denial of CT FMLA claims and discrimination/retaliation

Federal DOL

- Promulgate regulations regarding federal FMLA
- Provide guidance to workers and employers about federal FMLA
 - www.dol.gov/agencies/whd/fmla
- Investigate complaints regarding denial of federal FMLA claims and discrimination/retaliation

JOB-PROTECTED LEAVE PROCESS

Worker notifies the **employer** they need time off from work (Worker does not need to use the term FMLA)

30 days in advance if need for leave is foreseeable

As soon as practicable if need for leave is not foreseeable

Applying for CTPL benefits is NOT the same as applying for FMLA.



Employer determines if worker is eligible for CT FMLA & notifies worker if they need to provide any additional documents

Employer has 5 business days to notify worker of eligibility and provide notice of rights & responsibilities

This is NOT the leave approval

JOB PROTECTED LEAVE PROCESS cont'd

Worker provides the required documentation to the employer to support the leave reason

Worker has 15 calendar days to give the documents

If worker is having trouble getting the documents, they should tell the employer who must give them a reasonable extension of time



Employer reviews the documents and notifies the worker if the leave is approved under CT FMLA and/or federal FMLA

Employer has 5 business days once it has received the required documents to notify worker of decision

Employer must notify worker if they must use PTO, when/how to call in, if a fitness-for-duty is required



Worker reports to employer when they actually take the FMLA leave

When calling out, worker should say "this is my FMLA leave"

Employer tracks the FMLA usage against the FMLA balance

JOB PROTECTED LEAVE PROCESS cont'd

Employer returns the worker to the job they had before they went on leave

Worker has the right to return to same job, with same terms & conditions



If worker was out for their own serious health condition and has some medical restrictions

Employer must consider whether there are any reasonable accommodations it can put in place to enable worker to perform the essential functions of their job.

OTHER LAWS TO CONSIDER

LAWS PROVIDING JOB-PROTECTED LEAVE	LAWS PROVIDING INCOME REPLACEMENT DURING LEAVE
<p><i>Federal FMLA (applies to employers with 50+ employees)</i></p>	<p><i>CT Paid Leave Act (1+ employees working in CT)</i> - <i>Effective 1/1/22 (as to income replacement)</i></p>
<p>CT FMLA</p> <ul style="list-style-type: none"> - <i>Before 1/1/22, applied to employers with 75+ employees</i> - <i>Eff. 1/1/22, applies to employers with 1+ employees</i> 	<p>Workers' Compensation</p> <ul style="list-style-type: none"> - for covered on-the-job injuries/illnesses
<p>Workers' Compensation</p> <ul style="list-style-type: none"> - for covered on-the-job injuries/illness 	
<p>Americans with Disabilities Act (15+ employees)</p> <ul style="list-style-type: none"> - Leave may be a reasonable accommodation 	
<p>Pregnancy Disability Act (15+ employees)</p> <ul style="list-style-type: none"> - Leave may be a reasonable accommodation 	
<p>CT Fair Employment Practice Act (3+ employees)</p> <ul style="list-style-type: none"> - Leave may be a reasonable accommodation 	

BRIEF PAUSE FOR CLE CREDIT

Verification Code

P D L E A V



Additional Resources

CT Paid Leave Information Resources



For covered employees in the State of Connecticut, the Connecticut Paid Leave program offers the opportunity to take time to take care of personal and family health needs without worrying about lost income while you are away from work.

Key Dates

JANUARY 1, 2021: Employer began withholding employee contributions (one-half of one percent of each paycheck (0.5%) and remitting these contributions to the CT Paid Leave (CTPL) Authority trust fund.

JANUARY 1, 2022: Covered employees can apply for, and may receive, paid leave benefits.

Employee Eligibility

All employers* with one or more employees are covered under the CTPL program.

Covered employees are eligible for CTPL program benefits if they have:

- Earned wages of at least \$2,325** in the highest quarter in the first four of five most recently completed quarters; and
- Are currently employed OR have been employed within the 12 weeks immediately preceding their leave.

*Non-covered employees of the State of Connecticut as of employees of the federal government, municipalities, local or regional boards of education, sewerage utilities, or non-public elementary or secondary schools are not covered under the program at this time.

**Wages may include salary or hourly pay, vacation pay, holiday pay, tips, commissions, severance pay and the cash value of any "hot" account. Wages from multiple covered employers may be combined.

Benefit Rates

Benefit rates vary based on income.

The benefit rate is capped at 60 times the CT minimum wage.

- CT minimum wage multiplied by 60 will be equal to \$780 weekly in January 2022, increasing to \$840 on July 1, 2022, and \$900 on June 1, 2023.

An employee may receive CT Paid Leave benefits at the same time as employer-provided benefits so long as the employer's total compensation does not exceed 100% of their normal wages.


To see what benefit you may be eligible for, use the **Benefit Estimator** at CTpaidleave.org.

Ready to apply?
Submit your application through the online portal at ctpaidleave.org or call (877) 499-8606.

Scan with your smart phone camera or QR code reader

*The Paid Family and Medical Leave Act stipulates benefit rates may be reduced if revenue is insufficient.
**The figure represents the total of all PFLA wages. Please contact the Connecticut Department of Labor (860) 261-8200 for more information.
***For updates on the CT Paid Leave program, please visit the Paid Family and Medical Leave Authority website at www.ctpaidleave.org

Employee Rights Poster



Bringing Peace of Mind To Your Home, Family, and Workplace

The Paid Family and Medical Leave Act (PFMLA) - referred to as CT Paid Leave (CTPL) - offers Connecticut workers the opportunity to take time to attend to personal and family health needs without worrying about lost income.

The funding to support the CTPL program comes in the form of employee payroll deductions of one-half of one percent (0.5%) These payroll deductions began January 1, 2021.

Covered employees became eligible to apply for paid leave benefits beginning January 1, 2022.

Covered employees qualify for up to 12 weeks of paid leave benefits for the following reasons:

- Bonding with a new child that has entered the family through birth, adoption, or foster care.**
- Caring for your own serious health condition (includes pregnancy and serving as an organ/bone marrow donor). Two (2) additional weeks may be available for incapacitation during pregnancy.**
- Addressing issues arising from family violence (relocation, court proceedings, support services, and professional care).**
- Caring for a family member who is experiencing a serious health condition.**
- Caring for a military family member who is injured while on active duty, or to address specific issues relating to a parent, spouse, or child's call to active duty or active duty in the armed forces.**

Qualifying Reasons for Leave

Covered employees may receive up to 12 weeks of paid leave benefits in 12-month period, with certain exceptions.

Starting or Expanding a Family

To bond with a new child — by birth, adoption, or foster placement. For serious health conditions resulting in incapacitation during pregnancy, covered employees may qualify for two (2) additional weeks of paid leave benefits.

Personal or Family Health Needs

To address a serious personal or family health condition. Those serving as an organ or bone marrow donor may also be eligible to receive CT Paid Leave benefits.

Impact of Family Violence

Employees impacted by family violence may be eligible to receive CT Paid Leave benefits to seek medical or psychological care, to seek care from a victim services organization, to relocate, or to participate in any civil or criminal proceeding relating to family violence. Benefits for these reasons are limited to 12 days.


Military Specific

To care for a family member who is injured while on active duty or to address specific issues relating to a family member's call to active duty or active duty in the armed forces.

Download the Factsheet

For more employee resources on CT Paid Leave, access the Employee Factsheet at www.ctpaidleave.org or scan the code below.

Employee Rack Card



Employer Toolkit

HR Toolkit

New Year, New Law: How CT Paid Leave Impacts Your Paycheck

The funding to support the CT Paid Leave program comes in the form of employee payroll deductions. Deductions were to begin on January 1, 2021, and paid leave income replacement benefits became available January 1, 2022. The contribution rate is one-half of one percent (0.5%) of your total wages, up to the Social Security wage contribution rate that is set by the federal government.


From January 1, 2022 through March 31, 2022, the CT Department of Labor has authorized a catch-up period during which employers may deduct an additional 1% from wages (for a total of 1.5%) to make up for any missed contributions in 2021.

To estimate how much of your pay will be deducted every pay period to support CT Paid Leave, use the contribution estimator found at ctpaidleave.org or use your smart phone/QR code reader to scan the QR code provided and scroll to the bottom of the page.

To find out more about qualifying conditions and to apply for paid leave income replacement benefits, visit ctpaidleave.org.


Keep up to date with @CTPaidLeave

Employee Paycheck Mailer



Human Resources Toolkit

Your Guide to Implementing CT Paid Leave



Guide for Employees

Your employer must participate in the CT Paid Leave Program if they have any activity, enterprise or business in CT with one or more employees (including non-unionized state employees).

Who is required to participate?

As an employee, you must participate in the Paid Leave Program unless you are specifically excluded by law from "being excluded from participating" based on:

- State proprietors or self-employed individuals who are CT residents may choose to opt-in but are not required to do so. If they choose to participate, they must remain in the program for a minimum of 3 years.
- Employees of the federal government.
- Employees of the State of Connecticut, except as to "covered public employees".
- Employees of municipalities, counties, towns, cities, or "covered public employees".
- Employees of local or regional boards of education unless they have "covered public employees".
- Employees of non-public elementary or secondary schools.

Who is excluded from participating?

*Covered Public Employees: Non-unionized employees of the State of Connecticut, including employees of the State of Connecticut who collectively bargain to be included in the program. Employees of municipalities (cities and towns) and of the unincorporated employees of the municipal government, but not including employees of local and regional boards of education (cities and towns) or of the unincorporated employees collecting wages to be included.

Is paid leave considered job-protected leave?

The CT Paid Leave Authority only offers payment for qualifying events but does NOT offer job protection to employees taking leave.

Only employers can determine, in consultation with the employee, whether the leave taken is subject to job protection.

Federal and State Family & Medical Leave Acts describe the rules for job-protected leave and are NOT paid leave laws. CT FMLA oversight is provided by the CT Department of Labor.

What are the qualifying events?

- To receive treatment for or recover from one's own serious health condition (includes pregnancy and serving as an organ/bone marrow donor).
- To bond with a new child that has entered the home through birth, adoption, or foster care. Bonding leave may be taken anytime within the first 12 months of the child's birth, adoption, or placement in the home. In the case of foster care adoption, bonding leave may also be taken to attend to placement activities.
- To provide physical or psychological care or psychological comfort and reassurance for a family member experiencing a serious health condition.
- To address certain issues arising from family violence (relocation, medical or psychological care, attending civil or criminal proceedings, seeking services from a victim services organization).
- To engage in certain activities arising from a spouse, child, or parent who is in federal active duty, or has been notified of an impending call or order to federal active duty in the armed forces (Qualifying Disaster Leave).
- To care for a family member who is a member of the military and who has experienced a serious injury or illness that occurred in the line of active duty in the Armed Forces.

Military Specific Events

Minimum of 525 hours of wages in the 12 weeks immediately preceding the leave.

What Makes You Eligible to Receive Benefits?

Employees must be currently employed and working in CT, or currently unemployed but have been employed and working in CT in the 12 weeks immediately preceding the leave.

A Sole Proprietor or Self-employed individual must also be a resident of CT who has participated in the program.

Employees (as opposed to sole proprietors and self-employed individuals) do not need to be residents of CT.

Employee Contribution Amounts

Employee contributions were to begin on January 1, 2021. Employees have contributions of 1/2 of 1% (0.5%) of their wages deducted from each paycheck. Contributions are made from wages up to the defined Social Security wage base (using the same calculation for determining total wages as we use to calculate FICA) and are done through payroll deduction, biweekly with each paycheck.

Takeaway for an employer including: the gross earnings from their employee's salary or hourly wages, vacation pay, holiday pay, commissions, severance pay, etc.

Employee Fact Sheet

THE CONNECTICUT FAMILY & MEDICAL LEAVE ACT and CT PAID LEAVE APPEALS

<https://portal.ct.gov/DOLUI/newfmlguidance>

CT PAID LEAVE APPEALS

Employees who have been denied compensation under the CT Paid Leave Insurance Program, or any person who has been assessed a penalty by the CT Paid Leave Authority, may file an appeal with the Connecticut Department of Labor (CTDOL) Appeals Division. You may only file an appeal with CTDOL if you have already applied for [CT Paid Leave](#) benefits and received a final denial decision.

The Leave Complaint and Appeals portal linked below is the fastest way to file an appeal, check the status of your appeal, receive a decision from the Appeals Division, and get information about your appeal.

If you do not have internet access or need assistance filing an appeal, please contact the CTDOL Appeals Division at 38 Wolcott Hill Road, Wethersfield, CT 06109. Telephone: (860) 263-6970 Fax: (860) 706-5767

FAQs

Helpful Links

- [What's the process for filing an Appeal with CT Paid Leave](#) 
- [How to File a CT Paid Leave Appeal](#) 
- [Filing a CT Paid Leave Appeal on behalf of someone else](#) 
- [How Employers Respond to an Appeal](#) 

Video Guide

- [How to file a CT Paid Leave Appeal](#)
- [Filing a CT Paid Leave Appeal on behalf of someone else](#)
- [Employers Response to an Appeal](#)



CT Paid Leave Law and Appeal Procedures

- The Paid Family and Medical Leave Act [Chapter 557 - Employment Regulation \(ct.gov\)](#)
- Paid Family and Medical Leave Insurance [Appeal Procedures](#) – Proposed Regulations in Progress

FILE A CTDOL LEAVE COMPLAINT OR CT PAID APPEAL

CTDOL Leave complaints are filed below after January 15th. Prior to January 15th, file your complaint [here](#).

Note: If you have been denied unemployment benefits, file an appeal [here](#). Do not use the Leave Complaint and Appeals portal as it could slow down your unemployment appeal.

Clicking on this link will take you to a secure portal hosted by ct.gov.

- [File a new CT Paid Leave appeal](#)
- [Access an existing CT Paid Leave appeal](#)
- [File a New Family & Medical Leave Complaint](#) (only for alleged violations occurring on or after 1/1/22)
- [CTFMLA Complaint Form](#)  (only for alleged violations occurring on or prior to 12/31/21)
- [Access an Existing CT Family & Medical Leave Complaint](#)

QUESTIONS:

- Questions about the CT Paid Leave program:
 - [General Information: CT Paid Leave Authority \(PFMLA\)| Home | Official Site](#)
 - [FAQs & Benefits Estimator: Resources | Updates and Information on CT Paid Leave](#)
 - [Questions: Contact the CT Paid Leave Authority](#)

- Questions about CT FMLA: CT DOL [newfmlaguidance \(ct.gov\)](#)



CTPAIDLEAVE.ORG